REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claim 23 has been amended in this paper. Therefore, claims 23-44 are pending. Of these claims, claims 27, 32-33 and 35-44 have been withdrawn as being directed at a non-elected invention or a non-elected species. Therefore, claims 23-26, 28-31 and 34 are under active consideration.

Claims 24-26, 28, 30-31 and 34 have been allowed.

Claims 23 and 29 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Solovay (5,843,161) in view of Thompson et al. (5,957,974)." In support of the rejection, the Patent Office states the following:

> Solovay discloses compressing a self-expandable stent (12) over an inner catheter (30). Solovay also discloses that while the self-expandable stent (12) is in a compressed state, a braided tube (14) is positioned around the inner catheter (30) and self-expandable stent (12), wherein the braided tube is dimensioned to maintain the self-expandable stent in the compressed state.
>
> Solovay, however, does not disclose positioning an outer catheter tube around the braided tube, the outer tube being adapted for axial movement relative to the inner catheter.
>
> Thompson discloses an inner catheter tube (26) and an outer catheter tube (20) positioned around the braided tube (40), wherein the outer tube (20) is adapted for axial movement relative to the inner catheter (26). This catheter arrangement allows to the stent graft to be properly aligned as it progressively radially self-expands toward an intimate contact with tissue at the treatment site. *See column 6, line 34 - column 7, line 2, and figure 1 for further clarification.*
>
> Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the catheter

> deployment system of Solovay with the inner and outer catheter tubes, in light of the teachings of Thompson, in order to be properly align the stent as it progressively radially self-expands toward an intimate contact with tissue at the treatment site. (Emphasis in original.)

Later in the Office Action, the Patent Office states the following:

> Applicant argues that Solovay does not disclose a radially expandable sleeve/tube that maintains the stent in a compressed state.
>
> In response, the Examiner maintains that the tube/sleeve of Solovay does maintain the stent in a compressed state **until** the stent is expanded. Claim 23 does not specify the amount of time required for the sleeve/tube to maintain the stent in a compressed state, therefore as long as the stent is compressed the sleeve/tube will remain in a compressed state around the stent as well.
>
> Applicant argues that Thompson fails to teach or to suggest a braided tube dimensioned to maintain a self-expandable stent in a compressed state.
>
> In response, the Examiner maintains that Thompson was not cited to address this feature, but Thompson addresses this feature as previously cited above. (Emphasis in original.)

Applicant respectfully traverses the subject rejection. Claim 23, from which claim 29 depends, has been amended herein and now recites "[a] method of manufacturing a stent delivery system, said method comprising the steps of:

(a) providing an inner catheter;

(b) compressing a self-expandable stent over said inner catheter;

(c) while said self-expandable stent is in a compressed state, positioning a braided tube around said inner catheter and said self-expandable stent, said braided tube, when thus positioned around said inner catheter and said self-expandable stent, being adapted for axial

movement relative to said self-expandable stent and being dimensioned to maintain said self-expandable stent in said compressed state; and

(d) positioning an outer catheter around said braided tube, said outer catheter being adapted for axial movement relative to said inner catheter."

Claim 23 is not unpatentable over Solovay in view of Thompson et al. for at least the reason that Solovay and Thompson et al., whether taken individually or in combination, do not teach or suggest a method of manufacturing a stent delivery system that comprises, among other things, positioning a braided tube around a self-expandable stent in a compressed state, the braided tube, when thus positioned around the self-expandable stent, being adapted for axial movement relative to said self-expandable stent and being dimensioned to maintain said self-expandable stent in said compressed state; and

Solovay relates to an endoprosthesis assembly (10) that comprises a stent (12) and a sleeve (14). The Patent Office is apparently contending that Solovay sleeve (14) corresponds to the claimed braided tube. However, claim 23 requires that, among other things, the braided tube, once positioned around the stent, be adapted for axial movement relative to the stent. The Solovay sleeve (14), however, is specifically designed not to be moved axially relative to the stent (12) and, in fact, is specifically designed to remain on the stent at all times once it is positioned around the stent. This is because the purpose of the Solovay sleeve (14) is to prevent the ingrowth of tissue into the underlying stent (12). By contrast, the claimed braided tube, which acts as a temporary restraint against expansion of the stent, is adapted to be moved axially relative to the stent.

Thompson et al. also fails to teach or to suggest, among other things, a braided tube that, once positioned around a stent, is adapted to be moved axially relative to the stent. This is because

Thompson et al. discloses a tube (40) that is integrally formed with and fixed to stent (18) (see, for example, col. 7, line 57 through col. 9, line 7, of Thompson et al.). Consequently, tube (40) cannot be said to be adapted for axial movement relative to stent (18).

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Applicant wishes to thank Examiner Cozart for the courtesies he extended to the undersigned in a telephonic interview regarding the present application. In the aforementioned telephonic interview, applicant explained how the present amendment to claim 23 distinguishes over the applied art. No agreement was reached.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: May 22, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 22, 2006.

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Edward M. Kriegsman
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Dated: May 22, 2006